

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

SILVIA CELAYA CABRERA,

Petitioner,

Civil No. 05-1294-TC

v.

FINDINGS AND  
RECOMMENDATION

UNITED STATES OF AMERICA,

Respondent.

COFFIN, Magistrate Judge.

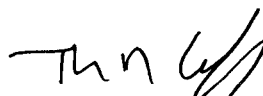
Petitioner, an inmate at the Federal Correctional Institution in Dublin, California, filed a petition under 28 U.S.C. § 2241 alleging that her "statutory and due process rights are being violated by the Bureau of Prison's misinterpretation of 18 U.S.C. § 3624(b), which deprives Petitioner of eligibility for the days of good time credit for each year of her term of imprisonment, to which she is statutorily entitled."

A federal prisoner challenging the legality of his or her conviction or sentence must file a motion to vacate sentence in the district of conviction pursuant to 28 U.S.C. § 2255. A federal prisoner challenging the execution of his or her sentence may file a petition for writ of habeas corpus in the district of confinement pursuant to 28 U.S.C. § 2241.

Petitioner in this case is challenging the execution of her sentence under 28 U.S.C. § 2241. Therefore, her petition should be filed in the district of her confinement.

Petitioner's Petition (#1) should be denied without prejudice to petitioner's right to file the petition in the federal district of her confinement. This proceeding should be dismissed.

DATED this 24<sup>th</sup> day of October, 2005.



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Thomas M. Coffin  
United States Magistrate Judge